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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,833	09/07/2004	Keith Baker	NL 020227	7666

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EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/506,833

Applicant(s)

BAKER

Examiner

Phu K. Nguyen

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,11 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10 and 12-15, 17-19 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2628

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-10, 12-15, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by LEE (7,075,587).

As per claim 1, Lee teaches the claimed “image display apparatus” comprising:

“means for receiving a video stream representing a series of consecutive input images, with the series of consecutive input images comprising a first image and a second image” (Lee, column 3, lines 44-48); and

“a display device for displaying a series of consecutive output images which are based on the series of consecutive input images, wherein the image display apparatus is arranged to split the consecutive input images into respective first parts and respective second parts” (Lee, column 3, lines 50-63; column 7, lines 5-20); and

“to display a first one of the output images comprising a first block of pixels corresponding to the first part of the first input image and a second block of pixels corresponding to the second part of the second input image” (Lee, column 3, lines 65-67); “wherein the first part is constantly displayed on the display device for viewing by a

Art Unit: 2628

viewer as a constant image while the second part is variably displayed on the display device for viewing by the viewer as a varying image" (Lee, the OCR program recognizes the textual information and compare it to the patterns of alphanumeric characters; column 7, lines 60-64; in equivalence to Applicant's Textual Recognition; paragraph [0023]).

Claim 2 adds into claim 1 "the first parts correspond to respective portions of a banner" (Lee, column 4, line 52 to column 5, line 5; the auxiliary information; column 8, lines 42-62).

Claim 3 adds into claim 1 "the first parts correspond to a subtitle" (Lee, column 5, lines 38-46).

Claim 4 adds into claim 1 "user interface means to provide location information of the first parts to control splitting of the images of the series of consecutive input images" (Lee, the arrangement of the positions of the display units are controllable by user; for examples in figure 21; column 7, lines 5-20; also figure 27).

Claim 5 adds into claim 4 "a first memory device for storage of the location information" (Lee, the locations of the data which are displayed on two distinct devices 370 and 371; figure 27)

As per claim 9, Lee teaches the claimed "method of displaying a series of consecutive output images which are based on a series of consecutive input images, with the series of consecutive input images comprising a first image and a second image" comprising the steps of:

"means for receiving a video stream representing a series of consecutive input images, with the series of consecutive input images comprising a first image and a second image" (Lee, column 3, lines 44-48); and

"splitting the consecutive input images into respective first parts and respective second parts" (Lee, column 3, lines 50-63; column 7, lines 5-20); and

"displaying a first one of the output images comprising a first block of pixels corresponding to the first part of the first input image and a second block of pixels corresponding to the second part of the second input image" (Lee, column 3, lines 65-67); "wherein the first part is constantly displayed on the display device for viewing by a viewer as a constant image while the second part is variably displayed on the display device for viewing by the viewer as a varying image" (Lee, the OCR program recognizes the textual information and compare it to the patterns of alphanumeric characters; column 7, lines 60-64; in equivalence to Applicant's Textual Recognition; paragraph [0023]).

Claim 10 adds into claim 9 "TV comprising the image display apparatus according to Claim 1" (Lee, column 3, lines 29-31).

As per claim 12, Lee teaches the claimed "display apparatus" comprising:
"an input configured to receive input images having corresponding first input parts and second input parts" (Lee, column 3, lines 44-48); and
"a display device configured to display output images having said corresponding first input parts and output parts" (Lee, column 3, lines 50-63);
""wherein the first part is constantly displayed on the display device for viewing by a viewer as a constant image while the second part is variably displayed on the display device for viewing by the viewer as a varying image" (Lee, column 6, line 50 to column 7, line 4; the markers defines the predetermined number of image frames for displaying the text data).

Claim 13 adds into claim 12 "said corresponding first input parts and said output parts of said output images are separated by a separator, said separator being controllable by a user" (Lee, the arrangement of the positions of the display units are controllable by user; for examples in figure 21; column 7, lines 5-20; also figure 27).

Claim 14 adds into claim 12 "said corresponding first input parts and said output parts of said output images are separated by a separator, said separator being a line" (Lee, figure 21)

Claim 14 adds into claim 12 "said corresponding first input parts and said output parts of said output images are separated by a separator, said separator being a box" (Lee, figure 27)

Art Unit: 2628

Claim 17 adds into claim 12 "a character analyzer designed to search for textual information in the first parts; and a comparing unit for comparing parts of the textual information with a predetermined string of characters" (Lee, the OCR program recognizes the textual information and compare it to the patterns of alphanumeric characters; column 7, lines 60-64; in equivalence to Applicant's Textual Recognition; paragraph [0023]).

Claim 18 adds into claim 12 "said second input parts include a banner" (Lee, column 4, line 52 to column 5, line 5; the auxiliary information; column 8, lines 42-62).

Claim 19 adds into claim 12 "said second input parts include a subtitle" (Lee, column 5, lines 38-46).

Claims 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6,7, 11, 16 are allowed.

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed November 30, 2006 have been fully considered but they are not deemed to be persuasive. Applicant argues that "a constant displayed first

part for viewing by a viewer is nowhere taught or suggested in the cited references" which is not correct. Lee's texture information display 111 (figure 1) is "constantly displayed" for the viewer to view while Lee's video display 110 is variably displayed.

Applicant argues that Lee does not teach "the very same display device" for display both the first and second parts which is also not correct because Lee's display parts 110 and 111 is equivalent to the claimed "display device." In other words, the claimed "display device" is interpreted as having two display parts wherein one is used for constantly displayed of text while the other is used for variably displaying of video images. There is no limitation in the claim to restrict the display is one screen display (for the shake of arguments, given two parts of Lee's displays 110 and 111, it would have been obvious to use one screen with two windows or parts to display separate text and video signals; however, the claimed display device does not limited to a single screen).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2628

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen

February 12, 2007



PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300